

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-0918 AHM (DTBx)	Date	July 20, 2011
Title	ANA MARIA BERNAL v. LITTON LOAN SERVICING, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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S. Eagle	Not Reported	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys NOT Present for Plaintiffs:	Attorneys NOT Present for Defendants:	

Proceedings: IN CHAMBERS (No Proceedings Held)

This case is before the Court on the motion to dismiss filed by Defendants Litton Loan Servicing LP and HSBC Bank USA, N.A. On April 28, 2011, plaintiff Ana Maria Bernal ("Plaintiff") filed a complaint in San Bernardino County Superior Court against defendants Litton Loan Servicing, HSBC Bank USA, Renaissance Escrow, Inc., People's Choice Home Loan, Inc., and New Century Title Company. The complaint alleged 17 causes of action in connection with Plaintiff's mortgage loan and the subsequent foreclosure on her home. On June 9, 2011, Defendants removed the action to federal court.

Defendants move to dismiss Plaintiff's claims on several grounds, including that Plaintiff fails to state a claim, certain claims are time barred, and Plaintiff has failed to make a valid tender of the amount due under her loan. Plaintiff, who is represented by counsel, failed timely to oppose the motion to dismiss. "The failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion." Local Rule 7-12. In addition, the motion to dismiss appears meritorious on its face.

Accordingly, the motion to dismiss is **GRANTED**, with leave to amend. If Plaintiff chooses to file an amended complaint, she must do so on or before August 17, 2011, and she should take note of the deficiencies in her current complaint pointed out by Defendants' motion.

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Counsel for Plaintiff, Paul Eric St. Amant, Esq., is ORDERED to SHOW CAUSE in writing, by not later than August 3, 2011, why he should not be sanctioned \$250 for his failure to oppose the Motion or to file a notice of opposition in violation of Local Rule 7-9.

No hearing is necessary. Fed. R. Civ. P. 78; L.R. 7-15.

Initials of
Preparer

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